



March 8, 1999

Ms. Linda Wiegman
Supervising Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR99-0646

Dear Ms. Wiegman:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122629.

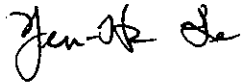
The Department of Health (the “department”) received a request for information concerning Hall County Emergency Medical Services, an emergency medical services provider licensed by the department. The requested information includes complaints and investigation documents. You assert that the documents which are responsive to the request are confidential in their entirety under section 773.0612(b) of the Health and Safety Code, in conjunction with section 552.101 of the Government Code.

Section 552.101 of the Government Code provides that information is protected from disclosure under the Open Records Act if it is confidential by law. Section 773.0612(a) provides that the department “is entitled to access to records and other documents maintained by a person that are directly related to patient care or to emergency medical services personnel to the extent necessary to enforce this chapter and the rules adopted under this chapter.” Section 773.0612(b) provides that “[a] report, record, or working paper used or developed in an investigation under this section is confidential and may be used only for purposes consistent with the rules adopted by the board.” You state that “[a]ll of the enclosed documents relate to records, reports or working papers used or developed in an investigation under . . . section [773.0612] and are confidential in their entirety.” Based on

your representation, we conclude that all of the submitted records are confidential under section 773.0612(b) and must be withheld from disclosure.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 122629

Enclosures: Submitted documents

cc: Mr. Perry Perkins
Special Agent
Perkins Investigative Agency
709 West Tenth
Amarillo, Texas 79101
(w/o enclosures)

¹As the records are confidential under section 773.0612, we need not address the department's other arguments against disclosure.